

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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10 EDWARD OSKEL, et al.,)
11 Plaintiff,) 2:11-cv-154-GMN-NJK
12 vs.)
13 RANDY JAMES PARDEE, et al.,) **ORDER**
14 Defendant.)

16 This matter is before the Court on Plaintiff's Emergency Motion to Strike New Prime's
17 Designated Expert Witness Report (#97). The Court has considered the Plaintiff's Motion (#97), the
Defendants' Response (#99), and the Plaintiff's Reply (#101).

DISCUSSION

19 The Plaintiff asserts that New Prime's Expert Witness Dr. Glenn Lipson's January 16, 2013,
20 Report should be stricken for failure to comply with Fed.R.Civ.P. 26(a)(2)(B) and *Daubert*.
21 Concerning Fed.R.Civ.P. 26(a)(2)(B), the Plaintiff asserts that Dr. Lipson failed to identify all the
22 facts and data he relied upon in forming his opinion. This is incorrect. The Court has reviewed Dr.
23 Lipson's report and it clearly states which records he reviewed. As for the *Daubert* argument, the
24 Court finds that a *Daubert* dispute is more appropriately reserved for a motion in limine and other
25 pre-trial matters, not an emergency discovery dispute. Accordingly, the Emergency Motion to Strike
26 is denied. The deposition of Dr. Glenn Lipson shall proceed as scheduled.

28

CONCLUSION

Based on the foregoing, and good cause appearing therefore,

3 **IT IS HEREBY ORDERED** that Plaintiff's Emergency Motion to Strike New Prime's
4 Designated Expert Witness; Report (#97) is **DENIED**.

DATED this 29th day of January, 2013.

NANCY J. KOPPE
United States Magistrate Judge